

**Amendments to the Drawings**

The attached sheet of drawings includes changes to Figure 3a and Figure 3b. This sheet, which includes both Figures 3a and 3b, replaces the original sheet four of seven that included these figures. In Figure 3a an indication of the x-y-z axes for the piezoelectric mode is added. In Figure 3b, element numbers "10" and "15" are added.

Attachment: Replacement Sheet

Annotated Sheet Showing Changes

**Remarks**

In the Office Action mailed June 21, 2004, the Examiner made numerous objections to the specification and drawings, and also rejected claims 1, 2, 5, 6, and 7 under 35 U.S.C. § 112, ¶ 2. In response to the objections to the specification and drawings, Applicants submit herewith amended Figures 3a and 3b, and amended paragraphs [0003], [0007], [0036], [0037], [0038], [0040], [0043], [0044], [0046], [0047], [0048], and [0050]. Applicants note that they are unable to locate the language on page 3, line 5 of the specification to which the Examiner objects, and accordingly request the Examiner to clarify or withdraw this objection. Additionally, with respect to the Examiner's objection to the language "in figures 3a and 3b" on page 18, line 2, Applicants respectfully traverse this objection because the description of which this language is a part refers to both figures 3a and 3b, and not only to figure 3a. Applicants respectfully request that this objection be withdrawn. Also, with respect to the Examiner's objection to the language on page 21, line 17, Applicants respectfully traverse this objection because the description of the capacitor structure in this paragraph, *i.e.*, that the structure requires precision mechanical fabrication and assembly, may apply to all of the embodiments of the disclosed invention. Accordingly, Applicants respectfully request that this objection also be withdrawn.

Applicants have amended claims 1, 2, 5, 6, and 7 to address the Examiner's Section 112, ¶ 2 rejections and request that these rejections be withdrawn.

With respect to the cited references, the Examiner rejected claims 1, 3, and 4 under 35 U.S.C. § 103(a) over Sochor U.S. Patent No. 5,968,876. The Examiner also rejected claims 1, 3, 4, 6, 8, 9, and 11-13 under the judicially created doctrine of obviousness-type double patenting over U.S. Patent No. 6,662,029 in view of Sochor. To address and overcome the

obviousness-type double patenting rejection, Applicants submit herewith a suitable terminal disclaimer and submits that this rejection has been overcome.


Turning to the rejection of claims 1, 3, and 4 under Section 103(a) over Sochor, Applicants amended independent claim 1 to specify that the first end of the driver is mounted directly on the fixed substrate. With the invention claimed in independent claim 1 and its dependent claims, including claims 3 and 4, the driver is manufactured in a sufficiently small size to enable the first end of the driver to be placed/mounted directly on the surface of the fixed substrate. In contrast, Sochor discloses an actuator (spring pin 10) that is fixed to a support 30, which is defined as the wall of the filter package, and the support 30 is then connected to a fixed substrate 110, *i.e.*, the actuator is not directly connected to the fixed substrate. Instead, Sochor teaches that the actuator (spring pin 10) is inserted into a tuning pin support 30 (ex. wall of the filter package) and it is the support 30 that is directly connected to the fixed substrate 110, *see* Figures 1 and 4 of Sochor. Because Sochor does not disclose, teach, or suggest the use of a driver that is sufficiently small in size to be mounted directly on the surface of a fixed substrate, Applicants respectfully submit that the obviousness rejection based on Sochor has been overcome and should be withdrawn.

Applicant respectfully submits that this application is now in condition for allowance, and requests favorable action by the Examiner. Applicant invites the Examiner to telephone the undersigned representative if the Examiner believes that a telephonic interview would advance this case to allowance, or if any clarifications are necessary. The Commissioner is hereby authorized to charge any additional fees that may be required, or credit any overpayment to Deposit Account No. 50-0639.

Respectfully submitted,

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